

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tzyy-Choou Wu *et al.*

Application No.: 10/555,669

Confirmation No.: 9879

Filing Date: December 5, 2008

Art Unit: 1648

For: ANTI-CANCER DNA VACCINE
EMPLOYING PLASMIDS ENCODING
SIGNAL SEQUENCE, MUTANT
ONCOPROTEIN ANTIGEN, AND HEAT
SHOCK PROTEIN

Examiner: Blumel, Benjamin P.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicants hereby bring to the Examiner's attention the references listed on the accompanying form PTO/SB/08 in compliance with the requirements of 37 C.F.R. § 1.56 and 1.97(c). Pursuant to 37 C.F.R. § 1.98(2)(ii), Applicants have not enclosed copies of the cited U.S. patents or published applications. Copies of References CD, CF, CI, CT, CV, CK1, CB2, CG2, CN2-CO2, CH3, CJ3, CN3, CU3, CX3, CV4, CY4, CI5, CT5-CV5, CZ5, CD6, CB7, CM7, CV7-CW7, CZ7, CB8, CM8, CQ8, CZ8, CG9, CL9, CO9-CS9, CV9, CX9, COA and CQA identified in the Form PTO/SB/08 are not provided because they were previously cited by the Applicants in related application U.S. Appl. Ser. No. 09/421,608, filed October 20, 1999 (our file JHV-044.01). Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants also bring the Examiner's attention to the prosecution history of the following applications and patents related to this application:

- 1) U.S. Application Serial No. 09/421,608, filed 10/20/99, abandoned (Docket No. JHV-044.01);
- 2) U.S. Application Serial No. 09/501,097, issued 05/11/04 as U.S. Patent No. 6,734,173 (Docket No. JHV-044.02);
- 3) U.S. Application Serial No. 10/110,695, filed 10/20/00, abandoned (Docket No. JHV-044.03);
- 4) U.S. Application Serial No. 10/115,440, published as U.S. 2004/0086845 (Docket No. JHV-044.04);
- 5) U.S. Application Serial No. 10/343,448, issued 03/11/08 as U.S. Patent No. 7,342,002 (Docket No. JHV-045.01);
- 6) U.S. Application Serial No. 09/920,625, filed 08/03/01, abandoned (Docket No. JHV-045.02);
- 7) U.S. Application Serial No. 12/014,541, published 06/11/09 as U.S. 2009/0148471 (Docket No. JHV-045.03);
- 8) U.S. Application Serial No. 10/060,274, filed 02/01/02, abandoned (Docket No. JHV-046.01);
- 9) U.S. Application Serial No. 10/470,543, issued 07/07/09 as U.S. Patent No. 7,557,200 (Docket No. JHV-046.02);
- 10) U.S. Application Serial No. 12/498,121, filed 07/06/09, abandoned (Docket No. JHV-046.03);
- 11) U.S. Application Serial No. 10/343,719, issued 01/15/08 as U.S. Patent No. 7,318,928 (Docket No. JHV-047.01);
- 12) U.S. Application Serial No. 11/945,665, filed 11/27/07, abandoned (Docket No. JHV-047.02);

13) U.S. Application Serial No. 10/546,810, published 02/01/07 as U.S. 2007/0026076 (Docket No. JHV-048.01);

14) U.S. Application Serial No. 11/773,162, published 03/20/08 as U.S. 2008/0069840 (Docket No. JHV-051.01);

15) U.S. Application Serial No. 11/828,807, published 05/01/08 as U.S. 2008/0102084 (Docket No. JHV-052.01);

16) U.S. Application Serial No. 12/438,300, filed 08/22/07 (Docket No. JHV-058.01);

17) U.S. Application Serial No. 12/043,656, published 04/09/09 as U.S. 2009/0093050 (Docket No. JHV-068.01);

18) U.S. Application Serial No. 12/049,596, published 10/23/08 as U.S. 2008/0260765 (Docket No. JHV-070.01); and

19) U.S. Application Serial No. 12/386,490, published 11/19/09 as U.S. 2009/0285861 (Docket No. JHV-075.01).

Applicants have listed dates of publication on the attached PTO/SB/08 for the cited documents based on information presently available to the undersigned. The listed publication dates, however, should not be construed that the information in the cited documents was actually published or otherwise publicly available on the date indicated.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute “prior art.” Further, if the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute “prior art” under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Moreover, Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

In accordance with 37 C.F.R. § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits; therefore, no fee is believed to be due in connection with this submission. The Commissioner is authorized to charge any deficiencies or credit any overpayment to our **Deposit Account No. 06-1448, under Reference No. JHV-050.01.**

Dated: March 10, 2011

Respectfully submitted,

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